

1 BILL NO. G- 82-09-33 As Amended

2 GENERAL ORDINANCE NO. G- 82-09-33 As Amended

3 An Ordinance regulating the hiring
4 of consultants by the City of
5 Fort Wayne, Indiana.

6 WHEREAS, IC 36 does not fully regulate procedures for
7 hiring of consultants and other persons, firms and corporations
8 who furnish information, advice and consul to the City of
9 Fort Wayne, Indiana, in the administration of its government;
10 and,

11 WHEREAS, IC 36-4-6-18 confers upon the legislative body
12 (Common Council) authority to pass Ordinances, Orders, Resolutions
13 and Motions for the government of the City, the control of the
14 City's property and finances and the appropriation of money;
15 and,

16 WHEREAS, it is necessary for the City of Fort Wayne,
17 Indiana to supplement the procedure given it under IC 36.

18 THEREFORE BE IT HEREBY ORDAINED THAT:

19 Section 1. Pursuant to IC 36-1-3-4 (b) and IC 36-4-6-18
20 there is hereby adopted this Ordinance prescribing an exclusive
21 manner for the exercising of the power of contracting with and
22 employing of consultants by the City of Fort Wayne, Indiana
23 either in the exercise of its civil jurisdiction or in the
24 exercise of its power over any city owned and/or operated *utilities*.

25 Section 2. All contracts and/or contractual arrangements
26 to employ or to utilize the services of a consultant for the
27 City of Fort Wayne, Indiana either for civil or utility purposes,
28 shall be approved by the Common Council of the City of Fort
29 Wayne, Indiana by ordinance duly passed by said Common Council
30 and approved by the Mayor of the City of Fort Wayne, Indiana
31 prior to the consultant's employment.
32

1 Section 4. In case of emergency only the City of Fort
2 Wayne, Indiana, may enter into contracts or agreements for the
3 hiring and employment of consultants.

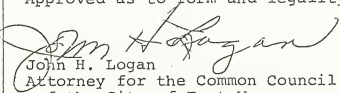
4 Section 5. The term "emergency" means a situation that
5 could not reasonably be foreseen and that threatens the public
6 health, welfare or safety and requires immediate action.

7 Section 6. The words "consultant" and "consultants"
8 whenever used in this Ordinance shall mean any person or persons,
9 firm or firms, corporation or corporations who consults with or
10 who gives professional or expert advice on a subject or subjects
11 or who provides a source of advice or opinion and who is avail-
12 able and utilized to throw light on a subject under consideration

13 Section 7. This Ordinance shall be in full force and
14 effect from and after its passage and approval by the Mayor.

15
16 _____
17 COUNCILMAN

18
19
20
21
22
23
24
25
26
27
28 Approved as to form and legality:

29
30 
31 John H. Logan
32 Attorney for the Common Council
of the City of Fort Wayne,
Indiana.

1 BILL NO. G- 82-09-33

2 GENERAL ORDINANCE NO. G-

3 An Ordinance regulating the hiring
4 of consultants by the City of
Fort Wayne, Indiana.

5 WHEREAS, IC 36 does not fully regulate procedures for
6 hiring of consultants and other persons, firms and corporations
7 who furnish information, advice and consul to the City of
8 Fort Wayne, Indiana, in the administration of its government;
9 and,

10 WHEREAS, IC 36-4-6-18 confers upon the legislative body
11 (Common Council) authority to pass Ordinances, Orders, Resolutions
12 and Motions for the government of the City, the control of the
13 City's property and finances and the appropriation of money;
14 and,

15 WHEREAS, it is necessary for the City of Fort Wayne,
16 Indiana to supplement the procedure given it under IC 36.

17 THEREFORE BE IT HEREBY ORDAINED THAT:

18 Section 1. Pursuant to IC 36-1-3-4 (b) and IC 36-4-6-18
19 there is hereby adopted this Ordinance prescribing an exclusive
20 manner for the exercising of the power of contracting with and
21 employing of consultants by the City of Fort Wayne, Indiana
22 either in the exercise of its civil jurisdiction or in the
23 exercise of its power over any city owned and/or operated
24 utilities.

25 Section 2. Before the City of Fort Wayne, Indiana enters
26 into any contractual arrangement to employ or to utilize the
27 services of a consultant for the City of Fort Wayne, Indiana,
28 either for civil or utility purposes it shall obtain the prior
29 approval of the Common Council of the City of Fort Wayne,
30 Indiana by ordinance duly passed by said Common Council and
31 approved by the Mayor of the City of Fort Wayne, Indiana.

32 Section 3. All such contracts or agreements hereafter
entered into without such prior approval shall be null and void.

1 Section 4. In case of emergency only the City of Fort
2 Wayne, Indiana, may enter into contracts or agreements for the
3 hiring and employment of consultants.

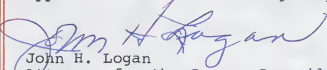
4 Section 5. The term "emergency" means a situation that
5 could not reasonably be foreseen and that threatens the public
6 health, welfare or safety and requires immediate action.

7 Section 6. The words "consultant" and "consultants"
8 whenever used in this Ordinance shall mean any person or persons,
9 firm or firms, corporation or corporations who consults with or
10 who gives professional or expert advice on a subject or subjects
11 or who provides a source of advice or opinion and who is avail-
12 able and utilized to throw light on a subject under consideration.

13 Section 7. This Ordinance shall be in full force and
14 effect from and after its passage and approval by the Mayor.

15
16 
17 COUNCILMAN

18
19
20
21
22
23
24
25
26
27
28 Approved as to form and legality:

29 
30 John H. Logan
31 Attorney for the Common Council
32 of the City of Fort Wayne,
Indiana.

Read the first time in full and on motion by Schmidt, seconded by Bush, and duly adopted, read the second time by title and referred to the Committee Ad. & Referred (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, at _____ o'clock _____ M., E.S.T.

DATE: 9-14-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Schmidt, seconded by Schmidt, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NOES</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>3</u>	<u>5</u>		<u>1</u>	
<u>BRADBURY</u>		<u>X</u>			
<u>BURNS</u>	<u>X</u>				
<u>EISBART</u>		<u>X</u>			
<u>GIAQUINTA</u>				<u>X</u>	
<u>SCHMIDT</u>	<u>X</u>				
<u>SCHOMBURG</u>	<u>X</u>				
<u>SCRUGGS</u>		<u>X</u>			
<u>STIER</u>		<u>X</u>			
<u>TALARICO</u>		<u>X</u>			

Last

DATE: 11-5-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. _____

on the _____ day of _____, 19____.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Charles W. Westerman
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

WIN MOSES, JR. - MAYOR

SUSPENSION OF RULES

*Tabled until
Nov 9.*

BILL NO. _____

COUNCILMAN _____, MOVED TO SUSPEND THE RULES ON THE
PASSAGE OF BILL NO. _____, AT THE MEETING OF THE
COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA HELD ON _____
THE _____ DAY OF _____, 19 _____. SAID MOTION WAS
SECONDED BY COUNCILMAN _____, AND DULY PASSED BY
UNANIMOUS VOTE OF ALL LEGALLY ELECTED MEMBERS OF THE COMMON COUNCIL. THE
ABOVE BILL NO. _____ WAS THEN PLACED ON PASSAGE.

DATE: _____

W. L. Westerman
Schmidt - Schomburg

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>5</u>	<u>2</u>	<u>2</u>		
<u>BRADBURY</u>			<u>X</u>		
<u>BURNS</u>	<u>X</u>				
<u>EISBART</u>			<u>X</u>		
<u>GiaQUINTA</u>	<u>X</u>				
<u>SCRUGGS</u>					
<u>NUCKOLS</u>	<u>X</u>				
<u>SCHMIDT</u>		<u>X</u>			
<u>SCHOMBURG</u>		<u>X</u>			
<u>STIER</u>	<u>X</u>				
<u>TALARICO</u>	<u>X</u>				

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,
AS _____.

ATTEST:

(SEAL)

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK



The City of Fort Wayne

October 22, 1982

To: Samuel Talarico
From: Frank W. Heyman *[Signature]*
Subject: Ordinance G-82-09-23 (Hiring of Consultants)

The Administration would like to have the opportunity to comment on this ordinance. Therefore, I am requesting that I be placed on the agenda at the October 26th Council meeting for the purpose of presenting the Administration's perspective on this item.

Thank you for your attention on this matter.

cc: Charles Westerman

*appears on
refar
C.C.*

Councilman Donald Schmidt and other
To Members of the Common Council

Date Sept. 28, 1982

From John H. Logan, Attorney for the Common Council

Subject General Ordinance No. 82-09-33 as amended
regulating hiring of consultants by the City

COPIES TO:

Director Scruggs
Councilman J. Schmidt
Councilman J. Schomburg
Councilman Benjamin Eisbart
Councilman ArkGlaQuinta
Councilman James S. Stier
Councilman Paul M. Burns
Councilman Janet Bradbury
Councilman Samuel Talarico

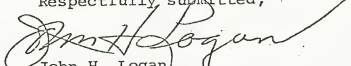
Councilman, Donald J. Schmidt, has requested that I research the use of the word "emergency" in Bill No. G-82-09-33, as amended. There follows a report of such research.

Section 5 of said bill defines "emergency" as "a situation that cannot reasonably be foreseen and which threatens public health, welfare and safety and requires immediate action". It is not intended to mean a civil emergency where a proclamation of the Mayor is required. The word "emergency" as used in the bill contemplates a happenstance confined to a particular location and to particular people in that location. A good example is such things as a street cave-in or the rupture of a sewer or water line or the severing of a electric utility transmission line. Certainly the City could not operate a utility if it had to have a formal proclamation of an emergency in any of the above or similar types of situations, and it is entirely conceivable that a consultant would have to be hired on the spot for immediate action.

It seems, therefore, that there is no need to further define the word "emergency" for the further purpose of this proposed ordinance.

The present Municipal Code being Section 4 of General Ordinance No. 82-08-33, as amended, as amended passed by the Common Council on August 26, 1982 and signed by the Mayor August 31, 1982, dealt with the purchase of materials and supplies and is, therefore, not broad enough to cover situations encompassed within Bill No. 82-09-33, as amended.

Respectfully submitted,


John H. Logan
Attorney for the Common Council
of the City of Fort Wayne, Indiana

JHL/thm